United Nations A/56/227

General Assembly

Distr.: General
30 July 2001

Original: English

Fifty-sixth session
Item 138 of the provisional agenda*
Human resources management

Amendments to the Staff Rules

Report of the Secretary-General**

Summary

As requested by staff regulation 12.3, the present report provides the full text of amendments to the Staff Rules, some of which have been provisionally promulgated in accordance with staff regulation 12.2. The Secretary-General intends to implement the amendments that have not been so promulgated as from 1 January 2002. The present report provides the rationale for every amendment included therein.

The General Assembly is requested to take note of the amendments to the Staff Rules contained in the annex to the present report.

* A/56/150.

** Submission of the present report was delayed to allow for completion of the staff consultation process on the proposed amendments.

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1. Staff regulation 12.3 provides that the full text of provisional staff rules and amendments should be reported annually to the General Assembly.

2. Unless otherwise indicated, the proposed amendments contained in the annex to the present report will be effective as from 1 January 2002.

A. 100 series

3. Rule 103.20, Education grant, is amended by adding to paragraph (g) a sentence excepting from the obligation to prorate the amount of the grant when a staff member who has one or more children in school dies while in service after the beginning of the school year.

4. Rule 104.14, Appointment and Promotion Board, is amended to implement the managed reassignment programme for Junior Professional staff in accordance with section III.D of General Assembly resolution 51/226, pending the coming into force of the revised rule on central review bodies, as amended by section VI of General Assembly resolution 55/258.

5. Rule 104.15, Competitive examinations, is amended to implement the managed reassignment programme for Junior Professional staff in accordance with section III.D of General Assembly resolution 51/226.

6. Rule 105.3, Home leave, is amended to allow a greater flexibility in the application of the requirement of a minimum stay in the home country, based on the need to take into account changes that have occurred in respect of mode of travel (always by air), composition of many families (frequently of several nationalities) and location of eligible family members, who often work, reside or go to school in different countries.

7. Rule 109.3, Notice of termination, is amended to clarify the computation of the amount to be paid in lieu of notice.

8. Rule 109.10, Last day for pay purposes, is amended to allow the entitlement to education grant to continue for the duration of a school year that has begun when a staff member dies while in service.

B. 200 series

9. Rule 203.8, Education grant, is amended by adding to paragraph (g) a sentence excepting from the obligation to prorate the amount of the grant when project personnel who have one or more children in school die while in service after the beginning of the school year.

10. Rule 206.7, Maternity leave, is amended to incorporate into the 200 series the amendment previously made to the corresponding provision in the 100 series in order to simplify the rule by deleting the proviso in paragraph (e), which postponed crediting of annual leave until six months had passed after return from maternity leave.

11. Rule 207.11, Travel on home leave, is amended to permit a greater flexibility in the application of the requirement of a minimum stay in the home country to take into account changes that have occurred since the rule was last amended in respect

of mode of travel (always by air), composition of many families (frequently of several nationalities) and location of eligible family members, who often work, reside or go to school in different countries.

12. Rule 209.4, Notice of termination, is amended to clarify the computation of the amount to be paid in lieu of notice.

13. Rule 209.11, Last day for pay purposes, is amended to allow the entitlement to education grant to continue for the duration of a school year that has begun when project personnel die while in service.

C. 300 series

14. Rule 309.3, Notice of termination, is amended to clarify the computation of the amount to be paid in lieu of notice.

15. Rule 309.6, Last day for pay purposes in case of death, the title of which is revised to read, Last day for pay purposes, is amended to simplify payment of travel days on separation.

Recommendation

16. **The Secretary-General recommends that the General Assembly take note of the amendments to the Staff Rules set out in the annex to the present report.**

Annex

Text of amendments to the Staff Rules

A. 100 series

Rule 103.20
Education grant

...

(g) The amount of the grant to be paid when the staff member's period of service or the child's school attendance does not cover the full school year shall be prorated under conditions to be defined by the Secretary-General. **No prorating shall be required when the staff member dies while in service after the beginning of the school year.**

Rule 104.14
Appointment and Promotion Board

(f) *Functions of the Appointment and Promotion Board*

...

(iv) Transfer or reassignment

Lateral transfers or reassignments of a probable duration of one year or more, **except in cases of mandatory reassignment under staff rule 104.15 (c).**

Rule 104.15
Competitive examinations

...

(c) Staff members appointed to the Professional level after a competitive examination shall be subject to mandatory reassignment, under conditions established by the Secretary-General.

Rule 105.3
Home leave

(a) Staff members regarded as international recruits under rule 104.7 (a) and not excluded from home leave under 104.7 (c), who are residing and serving outside their home country and who are otherwise eligible, shall be entitled once in every two years of qualifying service to visit their home country at United Nations expense for the purpose of spending in that country a **reasonable** period of annual leave. Leave taken for this purpose and under the terms and conditions set forth in this rule shall hereinafter be referred to as home leave.

...

(l) A staff member travelling on home leave shall be required to spend no less than **seven days**, exclusive of travel time, in his or her home country.

...

(amended provisionally as from 1 July 2001)

Rule 109.3
Notice of termination

(a) A staff member whose permanent appointment is to be terminated shall be given not less than three months' written notice of such termination.

(b) A staff member whose temporary appointment is to be terminated shall be given not less than thirty days' written notice of such termination or such written notice as may otherwise be stipulated in his or her letter of appointment.

(c) In lieu of the notice period, the Secretary-General may authorize compensation **equivalent to salary and applicable post adjustment and allowances corresponding to the relevant notice period, at the rate in effect on the last day of service.**

Rule 109.10
Last day for pay purposes

(a) When a staff member is separated from service, the date on which entitlement to salary, allowances and benefits shall cease shall be determined according to the following provisions:

...

(vi) In the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or dependent child ...

All other entitlements and accrual of benefits shall cease as of the date of death, **except as provided by staff rule 103.20 (g) for payment of education grant when the staff member dies while in service after the beginning of the school year.**

B. 200 series

Rule 203.8
Education grant

...

(f) The amount of the grant to be paid when the project personnel's period of service or the child's school attendance does not cover the full school year shall be prorated under conditions to be defined by the Secretary-General. **No prorating shall be required when project personnel die while in service after the beginning of the school year.**

...

Rule 206.7
Maternity leave

...

(e) Annual leave shall accrue during the period of maternity leave.

Rule 207.11
Travel on home leave

...

(c) The grant of home leave shall be subject to the conditions that:

...

(iii) Project personnel shall remain in their home country for **no less than seven days, exclusive of travel time.**

...

(amended provisionally as from 1 July 2001)

Rule 209.4
Notice of termination

(a) Project personnel whose appointments are to be terminated prior to the expiration date specified in the letter of appointment shall be given not less than one month's written notice of termination or such notice as may otherwise be stipulated in their letters of appointment.

(b) In lieu of the notice period, the Secretary-General may authorize compensation **equivalent to salary and applicable post adjustment and allowances corresponding to the relevant notice period, at the rate in effect on the last day of service.**

Rule 209.11
Last day for pay purposes

(a) When project personnel are separated from service, the date on which entitlement to salary, allowances and benefits shall cease shall be determined according to the following provisions:

...

(v) In the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or a dependent child ... All other entitlements and accrual of benefits shall cease as of the date of death, **except as provided by staff rule 203.8 (f) for payment of education grant when project personnel die while in service after the beginning of the school year.**

...

C. 300 series

Rule 309.3
Notice of termination

(a) Staff appointed under these Rules whose contracts are to be terminated prior to the specified expiration date shall be given not less than one week's written notice in the case of locally recruited staff members and two weeks' written notice

in the case of non-locally recruited staff members, or as otherwise provided in the letter of appointment.

(b) In lieu of the notice periods, the Secretary-General may authorize compensation **equivalent to salary and applicable allowances corresponding to the relevant notice period, at the rate in effect on the last day of service.**

Rule 309.6
Last day for pay purposes

(a) When separation of a staff member engaged under rule 301.1 (a) (ii) results from death occurring in the course of the appointment, entitlement to salary and emoluments shall cease as from the date of death. However, when there is a surviving spouse or one or more dependent children, a lump sum of three months' gross salary less staff assessment shall be paid to the surviving spouse and any dependent children, to be divided equally among those beneficiaries.

(b) Staff appointed under these rules who, under rule 304.5, are non-local recruits with an entitlement to return travel, shall be paid on separation a lump sum corresponding to the net salary and service allowance, where applicable, for the number of days of authorized travel, estimated on the basis of uninterrupted travel by an approved route and mode, from the duty station or the mission area to the place of entitlement to return travel.